

**DURHAM, NORTH CAROLINA
MONDAY, APRIL 2, 2007
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cole-McFadden, Council Member Brown, Council Member Catotti, Council Member Clement, Council Member Stith, and Council Member Woodard. Absent: None.

Also present: City Manager Patrick Baker, Assistant City Attorney Emanuel McGirt, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silent meditation and the Pledge of Allegiance led by Council Member Clement.

Mayor Bell read the following proclamations proclaiming April 8-14, 2007 as National Public Safety 9-1-1 Communications Officer Week presented to Durham Emergency Communications "Employee of the Year" Ollie Service who made comments; April 2007 as Fair Housing Month presented to Director of Human Relations Yvonne Pena who made comments along with Delilah Donaldson who invited everyone to attend the fair housing event on April 4, 2007; April 14-28, 2007 as Spring Litter Sweep presented to Dorothea Pierce with Keep Durham Beautiful. Also, the Mayor read a Resolution Memorializing Senator Jeanne Hopkins Lucas which was presented to her husband William Lucas who made comments.

Mayor Pro Tempore Cole-McFadden presented the Diversity Change Agent Award to Kendrick Vann, an employee of the Parks & Recreation Department, who made comments.

The following announcements were made and/or events were attended by Council:

Council Member Stith: requested Resolutions Honoring Tuskegee Airmen Stewart Fulbright and William McDonald for receiving the Congressional Gold Medal in Washington, requested that the following issues be added to the April 5, 2007 Work Session agenda 1) the establishment of the Inter-governmental Commission to study the Holton School Project, 2) Police Department efforts in this neighborhood near Holton School Project and surrounding areas; 3) Council Procedures to discuss a cooling off period policy for Department Directors seeking employment in other areas where there may be a conflict of interest with the contractor and asked the City Attorney's Office to review this issue to determine if there was a conflict of interest.

Council Member Woodard commented on: St. Joseph Historic Foundation's Annual Spirit of Hayti Awards, 23rd season of Mallarme Chamber Players; 30th anniversary of the Structure House, Durham Jaycees Distinguished Service Awards Banquet; Duke University Hospital New Emergency Room Facility; the Magnolia Grill for being nominated as the outstanding restaurant in the country; 33rd Annual Durham Crop Walk event and the AKA kickoff centennial celebration.

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Mayor Pro Tempore Cole-McFadden commented on: Miss Hillside Coronation; 35th Founder's Day of Ebonettes Service Club.

Council Member Catotti commented on: Junior League of Durham/Orange Counties, Shepard I-B Middle School events: John Hope Franklin/School of Distinction.

Council Member Brown commented on the Structure House.

Council Member Clement commented on his recent marriage.

Mayor Bell thanked his colleagues for being present at events and commented on the Mayor's Summer Youth Program Kickoff.

There were no priority items from the City Manager, City Attorney and City Clerk.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. No items were pulled from the Consent Agenda.

MOTION by Council Member Stith seconded by Council Member Catotti to approve the Consent Agenda was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Council Member Stith seconded by Council Member Catotti to approve City Council minutes for the February 19, 2007 and March 5, 2007 City Council Meetings; and

To approve City Council action taken at the February 22, 2007 City Council Work Session was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: EQUAL BUSINESS OPPORTUNITY PROGRAM ADVISORY COMMITTEE - APPOINTMENTS

MOTION by Council Member Stith seconded by Council Member Catotti to reappoint Karl Davis (SDBE Professional Services Firm Owner and Charlene Justice-Bass (SDBE Non-Professional Firm Owner) and to appoint Joyce Tipton (SDBE Construction Firm Owner) to the Equal Business Opportunity Program Advisory Committee with terms to expire on April 1, 2009 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-

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McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None.
Absent: None.

SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENTS

MOTION by Council Member Stith seconded by Council Member Catotti to reappoint I. Jarvis Martin (representing District 5) and Don Moffitt (representing District 1) to the Durham Planning Commission with terms expiring on June 30, 2010 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: DURHAM CONVENTION AND VISITORS BUREAU A TOURISM DEVELOPMENT AUTHORITY - APPOINTMENT

MOTION by Council Member Stith seconded by Council Member Catotti to appoint Brian Lawson representing Food Service to the Durham Convention and Visitors Bureau - Tourism Development Authority as recommended by the DCVB Board of Directors - term expiring October 31, 2007 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: BUSINESS LOAN REPORT FOR JANUARY 2007

MOTION by Council Member Stith seconded by Council Member Catotti to accept the Business Loan Report for January 2007 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: ALLOCATE FUNDS FOR THE PARRISH STREET PROJECT
MANAGER POSITION**

MOTION by Council Member Stith seconded by Council Member Catotti to receive a report on the Parrish Street Project was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PROPOSED REFUNDING OF OUTSTANDING GENERAL
OBLIGATION BONDS SERIES 1998, SERIES 1999, SERIES 2000B,
SERIES 2002 AND SERIES 2004**

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MOTION by Council Member Stith seconded by Council Member Catotti to adopt a Resolution Making Certain Statements of Fact Concerning Proposed Bond Sale;

To adopt the Bond Order Authorizing the Issuance of Not to Exceed \$11,000,000.00 General Obligation Refunding Bonds; and

To adopt a Resolution Authorizing the Issuance of Not to Exceed \$40,000,000.00 General Obligation Refunding Bonds, Series 2007 was approved at 7:47 p.m. by the following vote:
Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #s 9446 - 9447
Ordinance #13395

SUBJECT: ELEVATOR MAINTENANCE SERVICES CONTRACT - SOUTHERN ELEVATOR COMPANY, INC.

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to enter into a contract with Southern Elevator Company, Inc., of Greensboro, North Carolina in the amount of \$89,088.00 to inspect, maintain and repair each elevator for two years;

To authorize the City Manager to modify the agreement before execution provided the modifications do not increase the dollar amount of the agreement and the modifications are consistent with the general intent of the existing version of the agreement;

To authorize the City Manager to establish a project contingency in the amount of \$8,909.00 for any unforeseen project cost and to negotiate and execute change orders for the project provided the cost does not exceed \$97,997.00; and

To authorize the City Manager the authority to execute contract extensions for an additional two years provided all contract requirements have been met prior to allowing an extension was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: MUNICIPAL SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF AVONDALE DRIVE AND GEER STREET (U-2055D) - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

MOTION by Council Member Stith seconded by Council Member Catotti to adopt a Resolution Authorizing the City Manager to execute this Supplemental Agreement with North Carolina Department of Transportation to address an increase in the cost estimate for the Construction of a Roundabout at the Intersection of Avondale Drive and Geer Street

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(U-2055D);

To authorize the City Manager to modify the Supplemental Agreement before execution if required provided the modifications do not increase the dollar amount of the Supplemental Agreement and provided the modifications are consistent with the general intent of the version of the Supplemental Agreement approved by the City Council; and

To authorize the expenditure of a total estimated amount of \$302,500.00 that represents an increase of \$202,500.00 from the Federal - State Matching Projects Capital Project and \$35,000.00 for the addition of sidewalks was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9444

SUBJECT: SUPPLEMENTAL AGREEMENT FOR CONSTRUCTION OF TURN LANES ON RIDDLE ROAD AT THE INTERSECTION WITH NC 55 (U-2055B) - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

MOTION by Council Member Stith seconded by Council Member Catotti to adopt a Resolution Authorizing the City Manager to execute this Supplemental Agreement with North Carolina Department of Transportation to address an increase in the cost estimate for the Construction of turn lanes on Riddle Road at the Intersection of NC 55 and Riddle Road (U-2055B);

To authorize the City Manager to modify the Supplemental Agreement before execution, if required, provided the modifications do not increase the dollar amount of the Supplemental Agreement and provided the modifications are consistent with the general intent of the version of the Supplemental Agreement approved by the City Council; and

To authorize the expenditure of a total estimated amount of \$155,000.00 for the project that represents an increase of \$70,000.00 from the Federal - State Matching Projects Capital Project was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9445

SUBJECT: ELLERBE CREEK WATERSHED PLANNING AND DESIGN - BROWN AND CALDWELL

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager negotiate and execute a contract with Brown and Caldwell in an amount up to \$980,000.00 for watershed planning and design services for the Ellerbe Creek Watershed was

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approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR CONSTRUCTION OF UTILITY IMPROVEMENTS
AND FOR REIMBURSEMENT - LICK CREEK UTILITY, LLC**

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to enter into a contract for Construction of Utility Improvements and for reimbursement with Lick Creek Utility, LLC; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: CONTRACT SD-2007-01 STORMWATER DRAINAGE
IMPROVEMENTS - CAROLINA BRIDGE COMPANY, INC.**

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to execute contract SD-2007-01 for stormwater drainage improvements with Carolina Bridge Company, Inc. in the amount of \$262,804.57;

To establish a contingency fund in the amount of \$131,402.29; and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$131,402.29 and the total project cost does not exceed \$394,206.86 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF A
SALT DOME AND SIGN AND SIGNAL SHOP MASTERPLAN AT
CAMDEN AVENUE - ROUGHTON NICKELSON DE LUCA
ARCHITECTS, PA**

MOTION by Council Member Stith seconded by Council Member Catotti to authorize the City Manager to enter into a contract for professional services for the design of a salt dome and facility master planning with Roughton Nickelson De Luca Architects, PA in an amount not to exceed \$99,895.00; and

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To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

SUBJECT: STREET CLOSING – WHITCOMB STREET – SET PUBLIC HEARING ON THE CLOSING OF THE APPROXIMATELY 480 LINEAR FOOT WHITCOMB STREET RIGHT-OF-WAY (SC07-01)

MOTION by Council Member Stith seconded by Council Member Catotti to adopt a Resolution to set a Public Hearing on the Proposed Closing of Whitcomb Street for May 7, 2007 was approved at 7:47 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Resolution #9448

The City Council disposed of the following agenda items at the March 22, 2007 Work Session:

SUBJECT: PROPOSED SALE OF PROPERTY AT 517-A EASTWAY AVENUE PIN# 0831-10-45-4470 AND 1319 TAYLOR STREET PIN# 0831-10-45-4193

To determine the properties at 517-A Eastway Avenue and 1319 Taylor Street as surplus;

To authorize the sale of the properties under the authority of Section 86 of the City Charter;
To accept the offers to purchase for the properties located at 517-A Eastway Avenue and 1319 Taylor Street; and

To authorize the City Manager to sell and the Mayor to convey the properties by a non-warranty deed.

(This item was approved at the 3/22/07 Work Session with a vote of 6/0)

SUBJECT: AMENDMENT TO CONTRACT FOR PHYSICIAN SERVICES - RESEARCH TRIANGLE OCCUPATIONAL HEALTH SERVICES, PA

To authorize the City Manager to amend the contract with Research Triangle Occupational Health Services, PA, to provide additional occupational health services in an amount of \$232,128.00 for a total amount not to exceed \$870,128.00 for the three year period July 1, 2006, through June 30, 2009; and

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To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

(This item was deferred to the April 5, 2007 Work Session)

SUBJECT: CONTRACT ST-232, GARRETT ROAD EXTENSION - BARNHILL CONTRACTING COMPANY

To authorize the City Manager to execute a contract for ST-232 Garrett Road Extension with Barnhill Contracting Company in the amount of \$1,199,863.90;

To establish a contingency fund in the amount of \$179,979.59(15%); and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$179,979.59 and the total project cost does not exceed \$1,379,843.49.

(This item was approved at the 3/22/07 Work Session with a vote of 7/0)

SUBJECT: DURHAM POLICE DEPARTMENT JANUARY AND FEBRUARY 2007 MONTHLY CRIME REPORT

To receive a presentation on the January and February 2007 Monthly Crime Report.

(This item was deferred to the April 5, 2007 Work Session)

SUBJECT: MINI ASSESSMENT ROLL FOR WATER MAIN ON MASSEY CHAPEL ROAD FROM ABRON DRIVE TO FAYETTEVILLE ROAD

To find that the property of Sarah Nicholson, identified as 7722 Massey Chapel Road, PIN #0718-04-61-6104, has benefited from the water main improvement and to confirm the assessment in the original amount of \$1,920.00.

(This item was referred back to the Administration – Public Works)

SUBJECT: THE VOLUNTEER CENTER OF DURHAM

To receive comments from Stephen Raburn regarding the Greater Durham Mentoring Alliance.

(Comments were received at the 3/22/07 Work Session)

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SUBJECT: FULL FRAME DOCUMENTARY FILM FESTIVAL

To receive comments from Ted Mott requesting to sell and serve beer and wine on the Civic Center Plaza during the Film Festival on April 12-15, 2007.

(This item was approved at the 3/22/07 Work Session with a vote of 5/2)

**SUBJECT: RESOLUTION MEMORIALIZING SENATOR JEANNE HOPKINS
LUCAS**

To adopt a Resolution Memorializing Senator Jeanne Hopkins Lucas. **Resolution #**

(This item was approved at the 3/22/07 Work Session with a vote of 7/0)

[GENERAL BUSINESS AGENDA]

SUBJECT: DURHAM WORKFORCE DEVELOPMENT BOARD ANNUAL REPORT

To receive a presentation on the Durham Workforce Development Board's Annual Report.

Assistant City Manager for Economic and Workforce Development Alan DeLisle made comments on the annual report of the Workforce Development Board. He discussed the Board's membership, purpose and mission statement.

Workforce Development Administrator Kevin Dick gave a power point presentation on the following topics: the Workforce Development System; Durham JobLink Career Center Initiatives; Business Services and High Skills/High Wages; Better Jobs/Better Wages; and Youth Programs.

Council held discussion on: Ex-offenders/special population; thanked staff and Workforce Development Board for their work.

Council Member Clement informed staff that he would be asking questions concerning the ex-offender report at the April 5, 2007 Work Session.

Note: No action was taken by the City Council.

[PUBLIC HEARINGS]

**SUBJECT: PUBLIC HEARING ON BURCH AVENUE, LYON PARK AND WEST END
NEIGHBORHOODS REVITALIZATION PLAN UPDATE**

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To receive public comments on the update to the Burch Avenue, Lyon Park and West End Neighborhoods Revitalization Plan on April 2, 2007 and approve the update as submitted.

Mayor Bell opened the public hearing.

Lanier Blum, representing Self-Help, made comments on the Burch Avenue, Lyon Park and West End Neighborhoods Revitalization Plan Update. She informed Council that the last plan was updated in 1992 and the reason why this plan is being updated is due to changes, dramatic improvement of neighborhoods and to qualify for many state and federal housing financial assistance programs. Mrs. Blum presented a power point presentation highlighting the following topics: Planning and development partners; Who lives in the Burch Avenue, Lyon Park and West End Neighborhoods; How much can neighbors afford for housing; housing conditions; housing priorities; 1992-2007:15 years of housing improvement; housing – looking ahead; guiding principle; design and maintain parks, streets and sidewalks; green space initiatives; neighborhood history and heritage; West Chapel Hill Street business district—opportunities for both preservation and redevelopment efforts; safety is fundamental; safety initiatives; and neighborhood initiatives. Finally, she urged Council 1) to tour the neighborhood housing improvements and the site of the proposed Senior Housing at Maplewood ; 2) adopt this plan update and put it to the work and 3) to adopt the last two steps needed before May 11th for the new application for senior housing on May 7.

Hazeline Umstead, of 1216 Cornell Street/representing Lyon Park, West End and Southwest Central Durham, thanked Council for their housing participation over the last six years and asked them to approve the Neighborhood Rehabilitation Plan which will make their community safer. She stated housing is an essential component for the growth of the neighborhood.

Todd Twigg, of 2315 Huron Street, spoke in support of the Rehabilitation Plan making comments on the issues of natural environment and housing.

Pattie Cloninger-Bourcy, of 5122 Kenwood Road, stated PAC 3 is in support of the Revitalization Plan and neighbors are asking for more police protection. Also, she provided Council with a handout outlining the number of beat officers per district and requested that Council provide additional beat officers in District 3 possibly adding up to nine per shift.

Matthew Ramadan, representing the Ar-Razzaq Islamic Center, spoke in support of this proposal because of the excitement of what's coming together and noted they would be offering their support as a congregation to be actively involved in reducing crime in this area. He stated African American men from the congregation will join with the Police Department in providing volunteer neighborhood patrol and commented on the workforce development report.

Selina Mack, representing the Durham Community Land Trustees, spoke in support of this item discussing the community involvement and support of nonprofits--Duke, City of Durham Housing Department and Neighborhood Improvement Services.

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Andy Balber of 2608 National Avenue, made comments on the plan that was adopted in 1992 and spoke in support of the plan update commenting on the neighborhood partnerships. He urged Council to support this plan.

Mayor Bell thanked everyone for developing this plan, commented on the segment of his State of the City Address that dealt with neighborhood rehabilitation and community efforts. The Mayor noted pieces missing from this plan include the total dollar amount—private, public and non-profit and the timetable to accomplish the programs within the plan.

Council Member Clement requested staff to respond to the beat patrol analysis requesting additional beat patrols in District 3 which was provided by Ms. Pattie Cloninger-Bourcy.

City Manager Baker reported staff would provide a report in response to the Mayor's State of the City Address regarding crime prevention during the next cycle. Regarding this issue, a specific response to Council and the community will be given during the budget process or in a separate agenda item.

Council Member Clement stated to effectively deal with the issue of violent crime there is a need for greater police presence in the community.

Council held discussion on this being a good plan, but would like to view the financial piece and the timeline.

Council Member Catotti asked staff to provide what would be the next steps by them regarding this plan.

Council held discussion on the plan and charrette.

Mayme Webb Bledsoe, representing Duke University's Office of Community Affairs, announced that the final document of the charrette would be presented by May 1, 2007.

Council Member Brown requested staff to inspect 60 boarded up houses in the neighborhood to determine the condition, and provide a report on whether they should be saved, rehabbed or torn down with something new. Also, he made comments on the issue of beat officers.

Mayor Bell closed the public hearing.

MOTION by Council Member Woodard seconded by Council Member Catotti to receive public comments and to accept the update to the Burch Avenue, Lyon Park and West End Neighborhoods Revitalization Plan as submitted on April 2, 2007; and

To direct staff to suggest implementation through budgetary and other methods was approved at 9:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

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**SUBJECT: PUBLIC HEARING ON THE DRAFT FY 07-08 ANNUAL ACTION PLAN
FOR THE USE OF CDBG, HOME AND ESG FUNDS**

To receive public comments on the Draft 2007-2008 Annual Action Plan for the Use of CDBG, HOME and ESG Funds.

Community Development Associate Director Larry Jarvis made comments on this item. He referenced what was included as part of the agenda for this item: summary chart of funding recommendations, and memorandum from CAC outlining their alternative recommendations. Also, he noted the draft Annual Action Plan will be discussed at April 5, 2007 Work Session and Council would adopt the plan at the April 16, 2007 City Council Meeting.

Mayor Bell opened the public hearing.

Rich Lee, of the Durham Affordable Housing Coalition, provided Council with a handout asking them to free up \$500,000 in CDBG funds to support efforts in the low-to-moderate income neighborhoods, i. e. West End, Walltown, etc. by shifting the recommended funding for housing inspectors from CDBG to the General Revenue Fund which would be a more appropriate use of City dollars to support core services like Housing Inspections rather than to continue to use limited CDBG to support staffing. He referenced the recent Durham Affordable Housing Coalition analysis of Durham homeownership rates in central city neighborhood. Mr. Lee urged Council to make the 30 percent shift in the FY 2007-08 budget which would be a minimum of \$150,000.

Gudrun Parmer, Director of Durham County Criminal Justice Resource Center, spoke in support of 2nd year funding for Project Restore.

Joy Lee, Class President Project Restore, thanked Council for making this program possible, and for the impact it has made on their lives. She asked Council to support funding for Project Restore so that it can be extended to others.

Greg Dantzler, asked Council to continue to support Project Restore.

Shelly Mason, representing classmates, stated we all appreciate the opportunity granted to participate in Project Restore and would like to see it continued because it gave them an opportunity to broaden their skills.

Terry Allebaugh, Housing for New Hope, made comments on the 10-year plan to end homelessness, and spoke in support of funding for Andover III and Emergency Shelter Grant Program for Housing for New Hope.

Andrew Balber, made comments on the discussion that took place at the Coffee with Council/Kitchen Cabinet meetings held at Lyon Park concerning that CDBG funds should be used for programs and not staff. Mr. Balber spoke in support of CAC's recommendations and noted he looks forward to staff responding to questions raised at the Coffee with Council/Kitchen Cabinet meetings.

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Ed Stewart, President UDI, asked why Old Five Points was not a part of North East Central Durham's priority area and expressed concern about UDI being mis-labeled. Also, he would like to get a response to the meaning of stabilization and revitalization, expressed concern that UDI's business incubator program which was not recommended for funding is a major function of the Business Resource Center, made comments on the programs and finally he gave a comparison on crime stats since this program has been in this building. Mr. Stewart stated he cannot accept the statement that they are not in the business of neighborhood stabilization and revitalization.

Chuck Clifton, Chair of Citizens Advisory Committee [CAC], thanked staff for working closely with CAC. Mr. Clifton read the following statement concerning the recommendations voted on by CAC:

CITIZENS' ADVISORY COMMITTEE

TO: DURHAM CITY COUNCIL & DURHAM BOARD OF COUNTY COMMISSIONERS
FROM: CHUCK CLIFTON, CHAIRMAN
SUBJECT: FY 2007 - 2008 ANNUAL ACTION PLAN FOR CDBG, HOME AND ESG PROGRAMS
DATE: 5/23/2007
CC: CITIZENS' ADVISORY COMMITTEE MEMBERS

After reviewing all applications independently and discussing the Department of Community Development's (DCD) funding recommendations, the Citizens' Advisory Committee (CAC) voted to support the majority of DCD's recommendations with the following exceptions.

CDBG Funds

- Reductions in DCD Recommendation
1. The CAC recommended last year to reduce the code enforcement line item by 33% each year for three years to facilitate reduced reliance by the City on HUD funding for this core City function. This year the CAC continues to support this recommendation and therefore voted to reduce the DCD's recommendation by \$341,300 taking the new recommended allocation for code enforcement to \$160,000. This new recommended amount is what would have been allocated had the 2005-2006 amount of \$480,000 been reduced 33% for last year and then again for this year.
 2. While the CAC supports the project proposed by the Durham County Criminal Justice Resource Center, it felt that such a project should be funded directly by Durham County.

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Therefore, the CAC voted to reduce the DCD's recommendation by \$69,606 taking the new recommended allocation to \$0.

3. Together these reductions make available for allocation \$410,906.

- Increases in DCD Recommendation

1. The CAC recommends increasing the DCD recommendation for Urban Ministries – Community Kitchen by \$30,000. The new recommended amount for this item is \$50,000. The Director of Urban Ministries visited the CAC in response to an invitation from the CAC last fall and shared impressive data regarding the number served by the Community Kitchen and the CAC was convinced of the value of this service.
2. The CAC recommends increasing the DCD recommendation for Habitat for Humanity – SWCD Redevelopment Project by \$150,000. The new recommended amount for this item is \$221,665. The CAC is confident that Habitat for Humanity will be able to identify enough properties in the targeted community to use the incremental funds above the DCD's recommendation. The CAC also feels it is important to adhere to the intent of the Five Year Consolidated Plan and take advantage of activity occurring in the target neighborhood and bolster this private investment with HUD funds.
3. The CAC recommends increasing the DCD recommendation for Durham Affordable Housing Coalition – Volunteer Repair Program by \$50,000 and Durham Affordable Housing Coalition – Pilot Neighborhood Mini-Grant Program by \$70,000. The new recommended amount for these items is \$50,000 and \$70,000 respectively. The CAC feels this is an important program that needs to be funded. However, because the arrangement by DCD to fund these items out of Bond Program Income has not yet been closed and funding approved, the CAC is concerned these programs could ultimately not be funded at the requested levels. To avoid this, the CAC is advocating for this funding to come out of CDBG funding instead. Also, the housing bonds passed by the City residents in the late 80's and 90's were intended to be the first pieces of a permanent, self-sustaining, affordable housing fund. The CAC feels that, in keeping with the original intentions of those bonds, this income should be spent directly on affordable housing and not on repairs or mini-grant programs. These two programs are entirely appropriate uses of CDBG funding. While the Bond Program Income is not in the CAC's purview, we're certain this income will be put to good use for other programs.
4. Because the Self-Help CDC – Acquisition SWCD item in the HOME funds section is also eligible for CDBG funds, the CAC recommends moving that item to CDBG and increasing the DCD recommendation by \$74,798. The new recommended amount for this item is \$74,798. The CAC is confident that Self-Help CDC will be able to identify enough properties in the targeted community to use these funds. The CAC also feels it is important to adhere to the intent of the Five Year Consolidated Plan and take advantage of activity occurring in the target neighborhood and bolster this private investment with HUD funds.
5. The CAC recommends increasing the DCD recommendation for Operation Breakthrough – Weatherization program by \$36,108. The new recommended amount for this item is

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\$116,108. This weatherization program helps meet the increasing demand for assistance with energy bills, by making existing housing more energy-efficient. For these low-income clients, the pay-off of this investment can mean the difference between making monthly expense payments and missing them altogether, which can jeopardize their credit and even risk foreclosure. To help Operation Breakthrough reduce its waiting list, CAC members expressed interest in funding staff in addition to program expenses.

6. Together these increases reallocate the full \$410,906 made available in the reductions above.

HOME Funds

With the exception of moving the Self-Help CDC – Acquisition SWCD line item into CDBG funds as stated above and funding it at the requested amount, the CAC recommends no further changes to the DCD’s HOME funds recommendations.

ESG Funds

The CAC voted to reduce the Neighborhood Improvement Services (NIS) – Homeless Prevention program by \$5,000 and increase the Durham Interfaith Hospitality Network (IHN) – Essential Services line item by this amount. The new recommended amount for NIS is \$10,000 and the new recommended amount for IHN – Essential Services is \$29,884.

Acknowledging the importance of a case manager in a program like IHN that requires a lot of planning and coordination of host facilities for homeless families, the CAC was concerned with the loss of a case manager for IHN. It was noted that the NIS program is partially redundant with the Housing for New Hope – Homeless Prevention program and that the NIS program had received about \$10,000 last year as well. The CAC felt the reduction to NIS would not have a large year to year impact while the increase to IHN would significantly improve their effectiveness.

Mayor Bell closed the public hearing.

Mayor Pro Tempore Cole-McFadden thanked everyone for their input and graduates of Project Restore for their comments.

Council Member Brown asked staff to address remarks made by Ed Stewart and the impact of shifting funding of Housing Inspectors from CDBG to the General Fund.

Director of Community Development Mike Barros discussed guidelines for using CDBG funding which allows 20% for administration.

To address the impact of shifting the funding of Housing Inspectors from CDBG to General Fund, City Manager Baker noted once the request comes out of the CDBG back into the General Fund it competes with all priorities of the City and stated an analysis of what other cities are doing will be provided by the time the plan is adopted.

Council Member Catotti noted she would like to address CAC’s recommendations at the April 5, 2007 City Council Work Session because the agenda moves forward with no changes, commented on the 30 percent reduction allocation for Housing Inspectors and stated lead abatement should be funded with more City dollars.

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Council Member Clement thanked Chuck Clifton, Chair of CAC.

Mayor Bell closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the Draft 2007-2008 Annual Action Plan for the Use of CDBG, HOME and ESG Funds was approved at 9:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

**SUBJECT: PLAN AMENDMENT – 807 SOUTH ALSTON AVENUE (A06-19) –
REDDITT AND IDA L. ALEXANDER**

To receive public comments on the 807 South Alston Avenue Plan Amendment (A06-19); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Medium Density Residential (6-12 DU/Ac.) to Commercial.

Staff Recommendation: Denial, based on the request not being justified and not meeting all four of the criteria for plan amendments.

Planning Commission Recommendation: Denial, 11-0, on February 13, 2007, based on inconsistency with the Durham Comprehensive Plan policies and future land uses in the area.

City/County Planning Director Frank Duke stated he has all the required certifications that notice was provided for this item and the following item as required by North Carolina law. Pursuant to Section 3.4.2 of the UDO, City/County Planning Director Frank Duke noted Council may hold the hearings for Items 23 [Plan Amendment -807 S. Alston Avenue] and 24 [Zoning Map Change – 807 S. Alston Avenue] as a single hearing with separate votes.

There was no objection by Council on holding a single public hearing and taking separate votes on each item.

City/County Planning Director Frank Duke briefed Council on the plan amendment. He noted staff does not agree with the applicant's justification that "we have gone through some major expenses to improve the site by filling the lot under a permit from the County. Also, with the amount of neighborhood commercial properties presently in the area--this change will not affect the area, it can only improve this location". Mr. Duke stated incurring expenses associated with the fill of the site, given the fill was approved under the existing designation and zoning of the site does not provide justification for a land use change. Also properties to the north of this site, while zoned neighborhood commercial, are used residentially and use is reflected in the land use plan. He reported this request fails to meet two of the criteria: consistency with the intent goals/objectives, policies and guiding principles and programs of adopted plans because this request would create on the land use map an isolated mid-block commercial designation and

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create compatibility issues with the existing development pattern in the area. He noted staff and the Planning Commission recommended denial.

City/County Planning Director Frank Duke briefed Council on the zoning map change. He noted because of compatibility of this request with the existing development pattern in the area and the inconsistency with the Comprehensive Plan staff is recommending denial. He noted the Planning Commission recommended denial and urged Council to initiate a zoning map change to change the zoning designation of the properties immediately to the north of this site to correspond with the land use designation shown in the Comprehensive Plan.

Mayor Bell opened the public hearing.

Redditt Alexander, of 1310 McLaurin Avenue, spoke in support of the plan amendment and the zoning map change. He noted approximately one-third of the lot is already zoned neighborhood commercial and the other part is multi-family. He stated he is asking for a continuous zoning to give him an opportunity to reap some of his investment to have this parcel of land filled according to the City's requirements and to develop a strip building similar to the one across the street.

Council Member Stith asked for clarification since the property is already zoned neighborhood commercial and neighborhood commercial already exists in the area.

For clarification, City/County Planning Director Frank Duke briefed Council on the two separate area issues when reviewing the designation and noted the Comprehensive Plan limits the commercial to the area north of Linwood Avenue which meant that those three lots, plus the portion of Mr. Alexander's lot that are zoned commercial have inconsistent land use and zoning. Also, he made comments on Planning Commission's recommendation to Council that they initiate a rezoning to remove the commercial zoning from that area so that the zoning reflects the land use designation.

Council Member Stith expressed a concern that there are other properties with this zoning and the fact that the zoning is already present. He also raised a concern with the impact this issue has on property rights.

Discussion was held on how long the area has been zoned commercial, whether City Council approved a request when the staff and Planning Commission both recommended denial, and this issue not being discussed at the Work Session.

A motion was made by Council Member Clement to further discuss this item at the April 5, 2007 Work Session. Motion dies due to a lack of a second.

Assistant City Attorney Emanuel McGirt briefed Council on why this item was not discussed at the Work Session.

Council Member Catotti raised a concern with the area being zoning neighborhood commercial and spoke against this item being continued to a Work Session.

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City/County Planning Director Frank Duke briefed Council on the difference between Neighborhood Commercial and Commercial and noted no conditions can be imposed on this zoning because it was done without a development plan.

To address the highest intense use of the zoning—Redditt Alexander noted it is not his intention to build a 3,000 square foot fast-food restaurant with drive-thru windows even though the potential is there.

Victoria Peterson stated she does not support this issue expressing concern with the lack of notification of this item on the agenda this evening and crime issues.

City/County Planning Director Frank Duke stated he has affidavits the mailing was made on March 12, 2007.

Mayor Bell closed the public hearing.

Council Member Clement requested statistics concerning commercial development having a stabilizing influence in the community.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the 807 South Alston Avenue Plan Amendment (A06-19); and

To adopt a resolution to change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Medium Density Residential (6-12 DU/Ac.) to Commercial **FAILED** at 10:22 p.m. by the following vote: Ayes: Council Members Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Woodard. Absent: None.

SUBJECT: ZONING MAP CHANGE – 807 SOUTH ALSTON AVENUE (Z06-57) – REDDITT AND IDA L. ALEXANDER

To receive public comments on the zoning map change for 807 South Alston Avenue (Z06-57); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z06-57 out of RU-5(2) and placing same in and establishing same as CN; and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials; or

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Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Staff Recommendation: Denial, based on inconsistency with the Comprehensive Plan, and considering the information contained in this report.

Planning Commission Recommendation and Vote: Denial, 11-0 on February 13, 2007. The Planning Commission finds that the ordinance request is not consistent with the adopted Comprehensive Plan. The Commission does not believe this request is reasonable or in the public interest in light of the information in the staff report and comments received during the public hearing. The Commission recommends denial based on inconsistency with neighboring land uses, opposition from the community and concerns regarding impacts on the environment. Additionally, the Commission recommends that the City Council initiate a zoning map change request to rezone the property south of Linwood Avenue on the east side of South Alston Avenue from commercial to residential to be consistent with the Comprehensive Plan.

[The site is located on the east side of South Alston Avenue, south of Linwood Avenue, and north of Fleetwood Street. PIN: 0831-17-20-1939 (partial)]

Note: For discussion on this item, see Item 23 Plan Amendment – 807 South Alston Avenue.

MOTION by Council Member Stith seconded by Council Member Woodard to receive public comments on the zoning map change for 807 South Alston Avenue (Z06-57); and

To adopt an Ordinance Amending the Unified Development Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in zoning map change case Z06-57 out of RU-5(2) and placing same in and establishing same as CN; and

To adopt as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials **FAILED** at 10:23 p.m. by the following vote: Ayes: Council Members Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti and Woodard. Absent: None.

SUBJECT: INSTALLATION OF SPEED HUMPS ON BOOKER AVENUE AND SOUTH STREET

To receive public comments on the installation of speed humps in the 3800 - 3900 blocks of Booker Ave. and the 800 - 1500 blocks of South Street; and

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To authorize the City Manager to install speed humps in the 3800 - 3900 blocks of Booker Avenue and the 800 - 1500 blocks of South Street in accordance with the City's Speed Hump Policy.

Wesley Parham, of the Transportation Division, made comments on this item. He noted the streets meet the City's criteria for speed humps; however, residents have stated they have been unable to secure the required signatures of at least 75% of the effected properties. He stated in the absence of the sufficient petition--Section 5 of the City's Speed Hump Policy allows the Council to approve the installation of speed humps if it is determined to be in the interest of public safety, where traffic studies show that speed humps are the most effective remedy and upon the consideration of impact on the delivery of emergency services. Mr. Parham reported the Transportation Division conducted the required studies and found both streets meet all other established criteria, the Fire Department has provided no objections and effected property owners were notified of the public hearing with the notice including a copy of the study report along with the findings and recommendations of staff and received no objections.

Mayor Bell opened the public hearing.

Ben Taylor, 3816 Booker Street, spoke in support of this item citing safety concerns.

Mayor Bell closed the public hearing.

MOTION by Council Member Stith seconded by Council Member Catotti to receive public comments on the installation of speed humps in the 3800 - 3900 blocks of Booker Ave. and the 800 - 1500 blocks of South Street; and

To authorize the City Manager to install speed humps in the 3800 - 3900 blocks of Booker Avenue and the 800 - 1500 blocks of South Street in accordance with the City's Speed Hump Policy was approved at 10:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Clement, Stith and Woodard. Noes: None. Absent: None.

Mayor Bell made comments in support of the slide show located in the Council Chambers depicting life in Durham.

There being no further business to come before the City Council, the meeting was adjourned at 10:28 p.m.

Linda Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk

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